

**SHANKS & HERBERT**

Intellectual Property Advocates

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RECEIVED PCT/PTO 04 MAY 2002  
1712

In re Application of:

Ibscher, et al.

Serial No. 10/069,357

Filed: February 25, 2002

For: Phospholipid Gel



Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 0273-0009

1700

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Information Disclosure Statement;
2. PTO Form 1449 (1 page);
3. Copies of eleven (11) cited references; and
4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Respectfully submitted,

SHANKS & HERBERT

Joseph G. Contrera  
Reg. No. 44,628

Date: 6/3/02  
TransPotomac Plaza  
1033 N. Fairfax Street  
Suite 306  
Alexandria, VA 22314  
703-683-3600



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ibscher, et al.

Appl. No.: 10/069,357

Filing Date: February 25, 2002

Title: Phospholipid Gel

Art Unit: To Be Assigned

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Atty. Docket: 0273-0009

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

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JUN 11 2002  
TC 1700

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

☐2. The Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐c. Attached is our check no. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).

☐3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicants hereby petition that the Information Disclosure Statement be considered. Attached is our check no. \_\_\_\_\_ in the amount of \$130.00 in payment of the fee under 37 C.F.R. § 1.17(i)(1).

☐a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐b. I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐4. Relevance of the non-English language document(s) is discussed in the present specification.

☐5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.

☐6. A concise explanation of the relevance of the non-English language document(s) appears below.

☐7. The Examiner's attention is directed to co-pending U.S. Patent Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

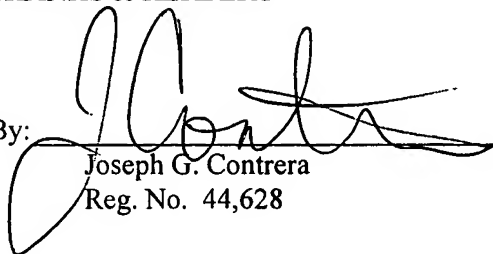
☐8. Copies of the documents were cited by or submitted to the Office in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0622

Respectfully submitted,

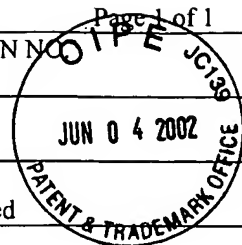
SHANKS & HERBERT

By:   
Joseph G. Contrera  
Reg. No. 44,628

Date: 6/3/02

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Alexandria, VA 22314  
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FORM PTO 1449  INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 0273-0009	APPLICATION NO. 10/069,357
	APPLICANT(S) Ibscher, et al.	
	FILING DATE February 25, 2002	GROUP To Be Assigned



## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	5,820,848	10/13/98	Boni et al.	424	9.4	9/30/94

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AB1	EP0069307	01/12/83	European			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	AC1	EP0158441	10/16/85	European			<input type="checkbox"/> Yes <input type="checkbox"/> No
	AD1	DE4021082	01/23/92	Germany			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	AE1	DE4003783	08/14/91	Germany			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	AF1	DE19520659	12/12/96	Germany			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	AG1	1009931	1/13/89	Japan			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	AH1	WO90/12565	11/01/90	PCT			<input type="checkbox"/> Yes <input type="checkbox"/> No
	AI1	WO95/35095	12/28/95	PCT			<input type="checkbox"/> Yes <input type="checkbox"/> No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AK	<u>1</u>	International Search Report, PCT/EP 00/07993, 02/26/01 w/English translation.
	AL	<u>1</u>	International Preliminary Examination Report, PFCT/EP00/07993, 03-02 with English translation.
	AM	<u>1</u>	

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JUN 18 2002  
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EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.